

PRELIMINARY

LEGAL DESCRIPTION FOR PARCEL IN SOUTHWEST 1/4 OF SECTION 36, TOWNSHIP 29 NORTH, RANGE 22 WEST, PRINCIPAL MERIDIAN, KALISPELL, FLATHEAD COUNTY, MONTANA

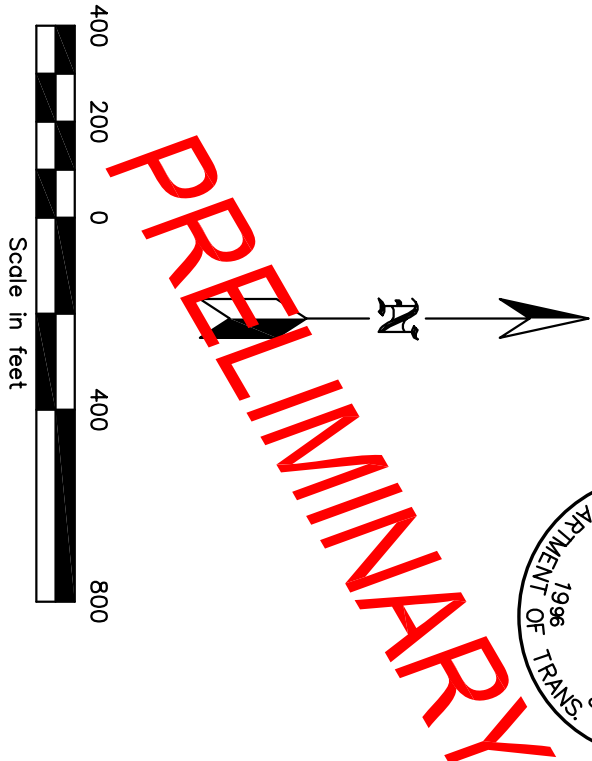
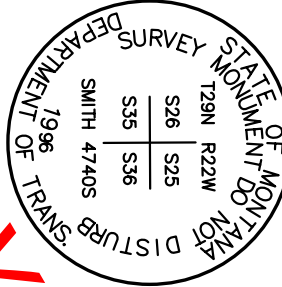
That portion of the Southwest 1/4 of Section 36, Township 29 North, Range 22 West, Principal Meridian, Flathead County, Montana described as follows:

Commencing at the southeast corner of the Southwest 1/4 of Section 36, Township 29 North, Range 22 West, thence along the southerly boundary of said aliquot part, North $89^{\circ}44'43''$ West 24.85 feet to the POINT OF BEGINNING of the parcel being described; thence continuing along said southerly boundary of said aliquot part, North $89^{\circ}44'43''$ West 1501.38 feet to the easterly boundary of Federal Aid Project No. NH 5-3(59)109, Kalispell Bypass North plans dated December 12, 2005; thence along said easterly boundary of said Kalispell Bypass North the following five courses: North $13^{\circ}09'33''$ West 718.97 feet, North $03^{\circ}19'12''$ West 715.46 feet, North $02^{\circ}59'57''$ East 316.40 feet to the beginning of a 1204.70 foot radius curve concave southeasterly having a radial bearing of South $82^{\circ}07'15''$ East, along said curve through a central angle of $41^{\circ}34'22''$ an arc length of 874.11 feet, and North $69^{\circ}48'15''$ East 477.81 feet to the northerly boundary of said Southwest 1/4 of said Section 36; thence along said northerly boundary of said aliquot part, South $89^{\circ}58'06''$ East 426.51 feet to the beginning of a 420.00 foot radius curve concave southeasterly having a radial bearing of South $06^{\circ}13'22''$ East; thence southwesterly along said curve through a central angle of $83^{\circ}50'46''$ an arc length of 614.62 feet; thence South $00^{\circ}04'08''$ East 243.95 feet to the southerly boundary of the North 1/2 of the Northeast 1/4 of the Southwest 1/4 of said Section 36; thence along said southerly boundary of said aliquot part, South $89^{\circ}54'46''$ East 801.47 feet to the easterly boundary of said Southwest 1/4 of said Section 36; thence along said easterly boundary of said aliquot part, South $00^{\circ}04'04''$ East 277.14 feet to a point on the easterly boundary of that parcel of land denoted as KYAC Lease Area on Certificate of Survey No. 14700, records of Flathead County, Montana; thence along the northerly and westerly boundaries of said parcel the following two courses: North $89^{\circ}48'52''$ West 24.85 feet and South $00^{\circ}04'05''$ East 1681.72 feet; thence South $00^{\circ}04'05''$ East 30.00 feet to the Point of Beginning containing 85.219 acres of land, more or less, as shown on Certificate of Survey No. _____ which is herewith incorporated in and made a part of this legal description.

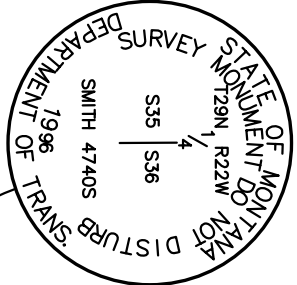
Certificate of Survey
Section 36, Township 29 North, Range 22 West, Principal Meridian
Flathead County, Montana

Owner: Montana Department of Natural Resources and Conservation
Date: January 2006
Purpose: Relocation of common boundary

Found 3 1/4" diameter
aluminum cap in
monument case marked:

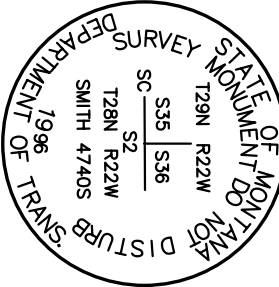


Found 3 1/4" diameter
aluminum cap in
monument case marked:

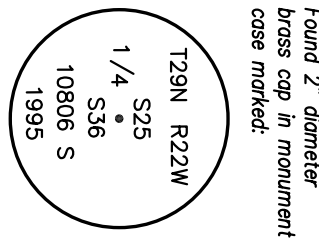


LEGEND

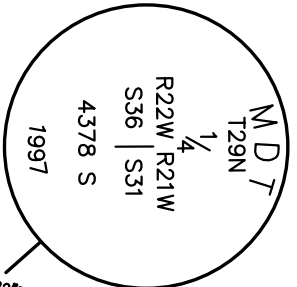
- Section corner found as noted
- Quarter section corner, found as noted
- Center quarter section corner
Found 2" diameter iron pipe with 2" diameter
brass cap marked as shown.
- Center-south sixteenth section corner
Found 5" diameter rebar with 2" diameter
aluminum cap marked, "THURSTON 10803S"
- Found 5" diameter rebar, no cap
- Found 2" diameter aluminum cap, marked as shown
on this page or as shown on Page 2 of 2
- Found 4"x4" concrete right-of-way post
- Found 1 1/4" diameter red plastic cap marked: "WDOH R.P."
- Found 5" diameter rebar, with 2" diameter
aluminum cap marked, "EBY & ASSOCIATES"
and "J.L. EBY 8694ES"
- Found 5" diameter rebar, with 1 1/2" diameter, orange
plastic cap marked, "THURSTON 10803S"
- Set 5" diameter rebar, 24" long, with 2" diameter aluminum
cap marked, "EBY & ASSOCIATES" and "J.L. EBY 8694ES"
- BPA tower
- Found 3 1/4" diameter
aluminum cap in
monument case marked:



Found 2" diameter
brass cap in monument
case marked:



Found 3 1/4" diameter
brass cap marked:



Found 3 1/4" diameter
brass cap marked:



Note:
The right-of-way for U.S. Highway
No. 93 is shown in Reception No.
92-245-10080, recorded in Flathead
County Montana, and references Montana
Department of Transportation's
Project No. F-5-3(32)115. There is
a conflict between the legal description
in the recorded document and the
monumentation found on the ground
is in agreement with the Right of
Way Plans. This survey holds the
Right-of-Way Plans and monumentation
for the correct position of the
highway easement.

EBY & ASSOCIATES
POST OFFICE BOX 7144
KALISPELL, MT 59904
PHONE 406-755-5339

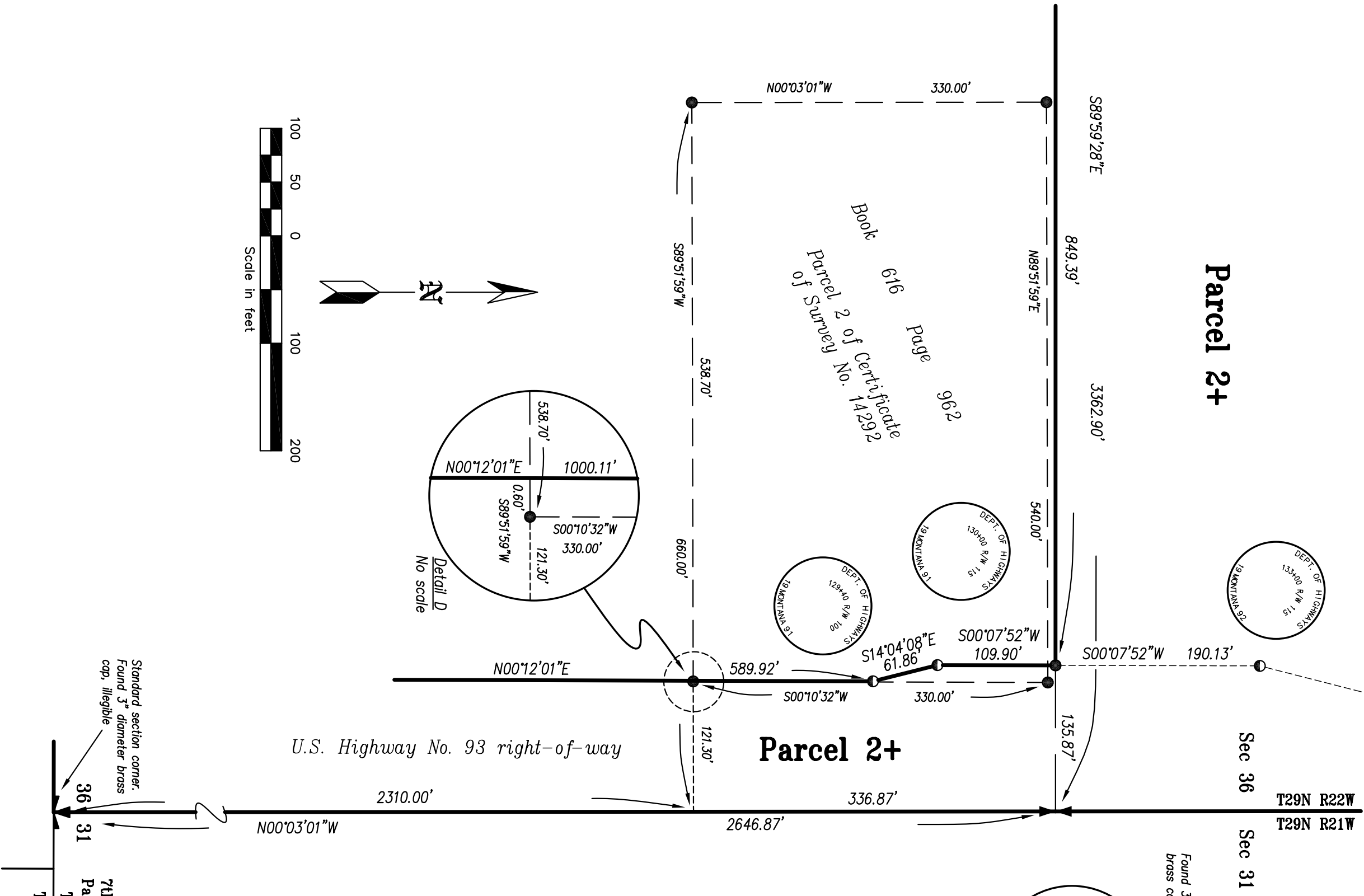
Basis of Bearing per City of Kalispell GIS base map, from Southwest Section Corner to Southeast Section Corner, S89°54'38"E 5286.88'

Certificate of Survey
Section 36, Township 29 North, Range 22 West, Principal Meridian
Flathead County, Montana

Owner: Montana Department of Natural Resources and Conservation
Date: January 2006
Purpose: Relocation of common boundary

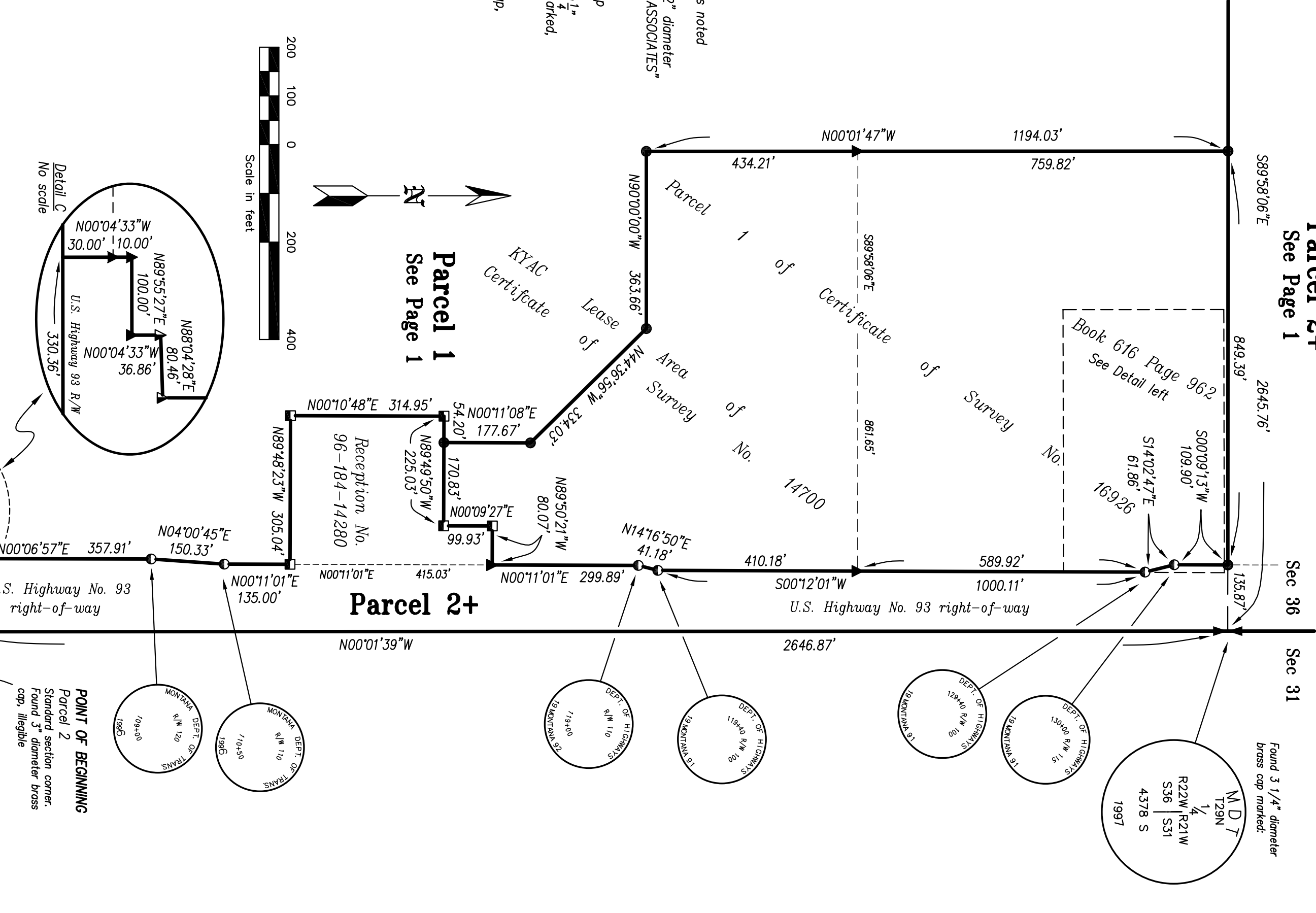
Parcel 2+
See Page 1

PRELIMINARY

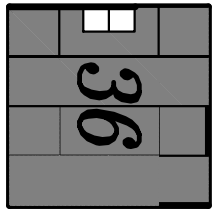


LEGEND

- Section corner found as noted
- Quarter section corner, found as noted
- Found 5/8" diameter rebar, with 2" diameter aluminum cap marked, "EBY & ASSOCIATES" and "J.L. EBY 8694ES".
- Found 5/8" diameter rebar, no cap
- Found 1/2" diameter rebar, with 1 1/2" diameter, orange plastic cap marked, "HURSTON 108035"
- Found 2" diameter aluminum cap, marked as shown
- Found 1 1/4" diameter red plastic cap marked: "MDOH R.P."



Certificate of Survey
Section 36, Township 29 North, Range 22 West, Principal Meridian
Flathead County, Montana



Owner: Montana Department of Natural Resources and Conservation
Date: January 2006
Purpose: Relocation of common boundary

LEGAL DESCRIPTIONS

Parcel 1
That portion of the Southeast 1/4 and the Southwest 1/4 of Section 36, Township 29 North, Range 22 West, Principal Meridian, Flathead County, Montana described as follows:

BEGINNING at the southeast corner of the Southwest 1/4 of Section 36, Township 29 North, Range 22 West; thence along the southerly boundary of said aliquot part, North 89°44'43" West 24.85 feet; thence North 00°04'05" West 1711.72 feet; thence South 89°48'52" East 24.85 feet to the easterly boundary of the Northeast 1/4 of the Southwest 1/4 of said Section 36; thence along said easterly boundary of said aliquot part, North 00°04'04" West 277.14 feet to the northerly boundary of the South 1/2 of the Northeast 1/4 of the Southwest 1/4 of said Section 36; thence along said northerly boundary of said aliquot part, North 89°54'46" West 801.47 feet; thence North 00°04'08" West 243.95 feet to the beginning of a 420.00 foot radius curve to the right of concave southeasterly; thence along said curve through a central angle of 83°50'46" an arc length of 614.62 feet to the east-west mid-section line of said Section 36; thence along said east-west mid-section line of said Section 36, South 89°58'06" East 2087.00 feet; thence South 00°01'47" East 1194.03 feet; thence South 90°00'00" East 363.66 feet; thence South 44°36'56" East 334.03 feet; thence South 00°11'08" West 177.67 feet to the northerly boundary of that easement described in Reception No. 96-184-14280, records of Flathead County, Montana; thence along the northerly, westerly and southerly boundaries of said easement the following three courses: North 89°49'50" West 54.20 feet, South 00°10'48" West 314.95 feet, and South 89°48'23" East 305.04 feet to the westerly right-of-way line of U.S. Highway No. 93; thence along said westerly right-of-way line of said U.S. Highway No. 93 the following seven courses: South 00°11'01" West 135.00 feet, South 04°00'45" West 150.33 feet, South 00°06'57" West 357.91 feet, South 88°04'28" West 80.46 feet, South 00°04'33" East 36.86 feet, South 89°55'27" East 100.00 feet, North 00°04'33" West 40.00 feet, North 89°35'27" East 100.00 feet, North 00°04'33" West 36.86 feet, North 88°04'28" East 80.46 feet, North 00°06'57" East 357.91 feet, North 04°00'45" East 150.33 feet and North 00°11'01" East 135.00 feet to the southeast corner of that easement described in Reception No. 96-184-14280, records of Flathead County, Montana; thence along the southerly, westerly and northerly boundaries of said easement the following five courses: North 89°48'23" West 305.04 feet, North 00°10'48" East 314.95 feet and South 89°49'50" East 225.03 feet, North 00°09'27" East 99.93 feet and South 89°50'21" East 80.07 feet to said westerly right-of-way line of said U.S. Highway No. 93; thence along said westerly right-of-way line of said U.S. Highway No. 93 the following five courses: North 00°11'01" East 299.89 feet, North 14°16'50" East 41.18 feet, North 00°09'13" East 109.90 feet to North 14°02'47" West 61.86 feet and North 00°09'13" East 109.90 feet to the east-west mid-section line of said Section 36; thence along said east-west

Parcel 2
That portion of Section 36, Township 29 North, Range 22 West, Principal Meridian, Flathead County, Montana described as follows:

BEGINNING at the southeast corner of the Southeast 1/4 of Section 36, Township 29 North, Range 22 West; thence along the southerly boundary of said aliquot part, South 89°55'27" West 330.36 feet to the westerly right-of-way line of U.S. Highway No. 93; thence along said westerly right-of-way line of said U.S. Highway No. 93 the following seven courses: North 00°04'33" West 40.00 feet, North 89°35'27" East 100.00 feet, North 00°04'33" West 36.86 feet, North 88°04'28" East 80.46 feet, North 00°06'57" East 357.91 feet, North 04°00'45" East 150.33 feet and North 00°11'01" East 135.00 feet to the southeast corner of that easement described in Reception No. 96-184-14280, records of Flathead County, Montana; thence along the southerly, westerly and northerly boundaries of said easement the following five courses: North 89°48'23" West 305.04 feet, North 00°10'48" East 314.95 feet and South 89°49'50" East 225.03 feet, North 00°09'27" East 99.93 feet and South 89°50'21" East 80.07 feet to said westerly right-of-way line of said U.S. Highway No. 93; thence along said westerly right-of-way line of said U.S. Highway No. 93 the following five courses: North 00°11'01" East 299.89 feet, North 14°16'50" East 41.18 feet, North 00°09'13" East 109.90 feet to North 14°02'47" West 61.86 feet and North 00°09'13" East 109.90 feet to the east-west mid-section line of said Section 36; thence along said east-west

PRELIMINARY

Parcel 2 (continued)
mid-section line of said Section 36, North 89°58'06" West 3362.90 feet to the easterly boundary of Federal Aid Project No. NH 5-3(59)109, Kalispell Bypass North plans dated December 12, 2005; thence along said easterly boundary of said Kalispell Bypass North the following five courses: South 69°48'15" West 477.81 feet to the beginning of a 1204.70 foot radius curve concave southeasterly having a radial bearing of South 40°32'53" East, along said curve through a central angle of 41°34'22" an arc length of 874.11 feet, South 02°59'57" West 316.40 feet, South 03°19'12" East 715.46 feet, and South 13°09'33" East 718.97 feet to the southerly boundary of the Southwest 1/4 of said Section 36; thence along said southerly boundary of said aliquot part, North 89°44'43" West 1116.78 feet to the southwest corner thereof; thence along the westerly boundary of said aliquot part, North 00°11'45" West 1981.18 feet to the southwest corner of the Northwest 1/4 of the Southwest 1/4 of the Southwest 1/4 of said Section 36; thence along the southerly and easterly boundaries of said aliquot part, South 89°54'46" East 661.85 feet and North 00°09'50" West 661.03 feet to the southeast corner of the Southwest 1/4 of the Southwest 1/4 of the Northwest 1/4 of said Section 36; thence along the easterly and northerly boundaries of said aliquot part, North 00°03'10" West 661.55 feet and North 89°58'56" West 662.16 feet to the westerly boundary of the Northwest 1/4 of said Section 36; thence along said westerly boundary of said aliquot part, North 00°02'51" West 1984.17 feet to the northwest corner thereof; thence along the northerly boundary of said aliquot part, North 89°58'34" East 2647.92 feet to the northwest corner of the Northeast 1/4 of said Section 36; thence along the northerly boundary of said aliquot part, North 89°59'01" East 2647.62 feet to the northeast corner thereof; thence along the westerly boundary of said aliquot part, South 00°01'40" East 2650.35 feet to the northeast corner of the Southwest 1/4 of said Section 36; thence along the easterly boundary of said aliquot part, South 00°01'39" East 2646.87 feet to the Point of Beginning containing 375.787 acres of land, more or less, as shown on this Certificate of Survey which is herewith incorporated in and made a part of this legal description.

Parcel 3
That portion of the Southwest 1/4 of Section 36, Township 29 North, Range 22 West, Principal Meridian, Flathead County, Montana described as follows:

Commencing at the southeast corner of the Southwest 1/4 of Section 36, Township 29 North, Range 22 West; thence along the southerly boundary of said aliquot part, North 89°44'43" West 24.85 feet to the POINT OF BEGINNING of the parcel being described; thence continuing along said southerly boundary of said aliquot part, North 89°44'43" West 1501.38 feet to the easterly boundary of Federal Aid Project No. NH 5-3(59)109, Kalispell Bypass North plans dated December 12, 2005; thence along said easterly boundary of said Kalispell Bypass North the following five courses: North 13°09'33" West 718.97 feet, North 03°19'12" West 715.46 feet, North 02°59'57" East 316.40 feet to the beginning of a 1204.70 foot radius curve concave southeasterly having a radial bearing of South 82°07'15" East, along said curve through a central angle of 41°34'22" an arc length of 874.11 feet, and North 69°48'15" East 477.81 feet to the northerly boundary of said Southwest 1/4 of said Section 36; thence along said northerly boundary of said aliquot part, South 89°58'06" East 426.51 feet to the beginning of a 420.00 foot radius curve concave southeasterly having a radial bearing of South 06°13'22" East; thence southwesterly along said curve through a central angle of 83°50'46" an arc length of 614.62 feet; thence South 00°04'08" East 243.95 feet to the southerly boundary of the North 1/2 of the Northeast 1/4 of the Southwest 1/4 of said Section 36; thence along said southerly boundary of said aliquot part, South 89°54'46" East 801.47 feet to the easterly boundary of said Southwest 1/4 of said Section 36; thence along said easterly boundary of said aliquot part, South 00°04'04" East 277.14 feet to a point on the easterly boundary of that parcel of land denoted as K/RAC Lease Area on Certificate of Survey No. 14700, records of Flathead County, Montana; thence along the northerly and westerly boundaries of said parcel the following two courses: North 89°48'52" West 24.85 feet and South 00°04'05" East 1681.72 feet; thence South 00°04'05" East 30.00 feet to the Point of Beginning containing 85.219 acres of land, more or less, as shown on this Certificate of Survey which is herewith incorporated in and made a part of this legal description.

CERTIFICATE OF LAND OWNER
We certify that the purpose of this survey is to relocate common boundaries between adjoining properties, and that no additional parcels are being created; therefore, this survey is exempt from review as a subdivision pursuant to Section 76-3-207(1)(c), M.C.A.

Mary Sexton
Director, Department of Natural Resources and Conservation

Date

State of Montana)
County of Flathead)

SS

On this ____ day of _____, 2006, before me, the undersigned, a Notary Public for the State of Montana, personally appeared the above-signed, known to me to be the persons whose names are subscribed to the foregoing instrument and acknowledged to me.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my Notary Seal the day and year first above written.

Notary Public for the State of Montana
Residing at _____
My commission expires _____

CERTIFICATE OF PROFESSIONAL LAND SURVEYOR
I hereby certify that I am a licensed professional Land Surveyor in the State of Montana, that the survey shown on this Certificate of Survey was done in January 2006 and has been prepared in accordance with Montana Code Annotated Title 76 Chapter 3 and the Montana Department of Labor and Industry Administrative Rules for the Montana Subdivision and and Platting Act, Uniform Standards for Monumentation, Certificates of Surveys and Final Subdivision Plats.

Dated this ____ day of _____, 2006.

Jane L. Eby
Montana Registration No. 8694RS

Surveyor has made no investigative or independent search for easements of record, encumbrances, restrictive covenants, ownership title evidence, or any other facts that an accurate and current title search may disclose.

Approved: _____ 2006

Examining Land Surveyor
Reg. No. _____

State of Montana)
County of Flathead) SS

Filed on the ____ day of _____, 2006 A.D. at ____ o'clock ____m.

By _____
County Clerk and Recorder Deputy

Instrument Rec. No. _____

